

## REMARKS

Claims 39-42, 44-47, 50-51, 56-57 and 59-90 were pending prior to this Office Action. Applicants are currently amending claims 81 and 83-89 to further clarify specific embodiments of the present invention. Additionally, Applicants are adding new claims 91-92. Support for these amendments and new claims are provided in the application as originally filed. Accordingly, claims 39-42, 44-47, 50-51, 56-57 and 59-92 remain pending. In view of the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

### 1. Allowed Claims

Applicants thank the Examiner for allowing claims 44-47, 59-61 and 71-80.

Applicants note that the Office Action did not address the patentability of dependent claims 39-42, 50-51, 56-57 and 62-70. However, since claims 39-42, 50-51, 56-57, and 62-70, either directly or through another claim, depend from allowed claim 44, and since claims 39-42, 50-51, 56-57 and 62-70 were previously allowed in the Notice of Allowance mailed 12/18/07, Applicants presume that claims 39-42, 50-51, 56-57 and 62-70 are also allowed, and respectfully request indication of this in the next communication.

### 2. Summary of Claim Rejections

Claims 81-90 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,211,563 to Haga et al. (referred to hereafter as "Haga") in view of U.S. Patent No. 4,894,777 to Negishi et al. (referred to hereafter as "Negishi"); and claim 85 over Haga in view of Negishi and further in view of Perelli. Applicants do not agree with the rejection. Nevertheless, Applicants have amended independent claim 81, and dependent claims 83-89, to clarify the subject matter regarded as the invention.

### **3. Discussion of Claims**

#### **A. Claim 81**

Claim 81 was rejected over Haga and Negishi. Initially, it is submitted that there is insufficient motivation to combine the two references. And in the rejection, the Office Action admitted that Haga "fails to provide a teaching of monitoring at least two areas to determine the user attention to the study materials, wherein one area relates to the study materials in a focus window and another area relates to the user's input into the computing device" in claim 81 prior to the current amendment. Applicants respectfully assert that Haga also does not teach the "monitoring" process of claim 81 as currently amended. More specifically, Haga does not teach or suggest "monitoring at least two areas to determine the user's attention to the study materials, wherein one area relates to which of the multiple windows the study materials are in, and another area relates to the user's input into the computing device".

The Office Action had relied on column 4, lines 14-50 in Negishi to allegedly teach the deficiencies of Haga. Applicants respectfully disagree. In that section, Negishi appears to monitor whether a user is looking at a display or a keyboard. If the user is not looking or not frequently looking at the display or the keyboard, then according to Negishi, the operator is fatigued or cannot concentrate. However, Negishi does not teach or suggest, for example, "monitoring at least two areas to determine the user's attention to the study materials, wherein one area relates to which of the multiple windows the study materials are in, and another area relates to the user's input into the computing device", where the multiple windows are presented to a user via a display, as in claim 81. Rather, as explained above, Negishi only monitors whether or not a user is looking at a display or a keyboard, which is distinctly different from Applicants' claimed limitations.

For at least the reasons set forth above, Applicants respectfully request that the rejection of claim 81 be reconsidered and withdrawn.

#### **B. Claims 82-91**

Claims 82-91 depend from and add additional features to independent claim 81. Applicants assert that these dependent claims are patentable over the references for at least the reasons discussed above with respect to claim 81, as well as for the features that they add. For exemplary purposes, some of the dependent claims are discussed below.

**Claim 83**, as amended, requires "adjusting the content in a window in view of a lack of input from the user to a window for a predetermined period of time". Applicants assert that Haga and Negishi, alone or in combination, do not teach or suggest these features.

Haga does not teach or suggest Applicants' monitoring process, let alone adjusting the content in view of a lack of input. Negishi teaches that a message (e.g., "Short Break?") is displayed if the user is not looking, or not frequently looking, at a keyboard or a display (See Negishi, column 4, lines 14-50). However, this is distinctly different from claim 83. For example, in Negishi, a user can stare at a keyboard for a long time (e.g., an hour) without providing any inputs. In this situation, Negishi seems to still conclude that the user is concentrating and would not display the message. In distinct contrast, using the embodiment of claim 83, lack of input from a user to a window for a predetermined amount of time will result in the content in a window being adjusted.

**Claim 91**, which depends from claim 83, specifies that "one of the multiple windows presented to the user via the display is a focus window, and the monitoring the area that relates to which of the multiple windows the study materials are in comprises monitoring whether the study materials are in the focus window." Applicants assert that Haga and Negishi, alone or in combination, do not teach or suggest these features.

As explained above, Negishi appears to monitor whether a user is looking at a display or a keyboard. However, determining whether or not a user is looking at a display or a keyboard is distinctly different from, for example, monitoring whether study materials are in a focus window, which is one of the multiple windows presented to the user, as claimed.

**C. Claim 85**

As mentioned above, Claims 81-90 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Haga in view of Negishi. However, there was no explanation in the Office Action of how Haga and/or Negishi teach the features of claim 85.

Claim 85 was also rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Haga in view of Negishi and further in view of Perelli. However, there

is no citation for Perelli. Applicants respectfully request that the citation for Perelli be provided in the next communication from the Patent Office if this rejection persists.

In any event, irrespective of the Office Action's rationale, since Haga and Negishi do not teach or suggest claims 81 and 83 as explained above, bringing in the additional Perelli reference for features in their dependent claim 85 would not remedy the deficiencies of Haga and Negishi regarding claims 81 and 83, even if combining the three references were appropriate.

**D. New Independent Claim 92**

New independent claim 92 is directed to a computer-readable medium containing instructions for controlling a computing device to assist a user to learn a subject by a method that is similar to the method of claims 81 and 83. For similar reasons to those discussed above with reference to claims 81 and 83, Applicants respectfully assert that claim 92 is patentable over all of the cited references, alone or in combination.

**4. Conclusion**

All the pending claims should be in condition for allowance. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

In the event that the Examiner, upon reconsideration, determines that an action other than an allowance is appropriate, the Examiner is requested and authorized to telephone Applicants' representative below prior to taking such action, if the Examiner feels that such a telephone call will advance the prosecution of the present application.

Respectfully submitted,

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